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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,593	10/29/2003	Brian Harold Kelley	030618	8306

23696 7590 09/09/2005

Qualcomm Incorporated
Patents Department
5775 Morehouse Drive
San Diego, CA 92121-1714

EXAMINER

HASSAN, AURANGZEB

ART UNIT	PAPER NUMBER
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2182

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/697,593	Applicant(s) KELLEY, BRIAN HAROLD	
	Examiner Aurangzeb Hassan	Art Unit 2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☒ Claim(s) 2 and 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because of repetition of information given in the title (lines 1-2 of Abstract). Correction is required. See MPEP § 608.01(b).

3. The use of the trademark QUALCOMM has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology. (See page 5 paragraph [0018])

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

4. The disclosure is objected to because of the following informalities:
page 4, paragraph [0015]:

"fully release control of the communication to the program"

Applicant is required to review the entire specification and correct any grammatical or typographical errors.

Claim Objections

5. Claims 2 and 6 are objected to because of the following informalities: omitted "the" should be phrased as:

"The system of claim 1, wherein *the* peripheral".

Examiner will henceforth acknowledge it to be corrected with "the" included in phraseology.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 17 thru 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. The lack of clarity and precision in the independent claim 17 leads to the rejection of the claim. The applicant cited in:

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claim 17: line 1 "a device", line 3 "wireless device", line 4 "device", line 6 "wireless device"

claim 18: line 1 "the device"

claim 19: line 1 "the wireless device"

claim 20: line 1-2 "the wireless device"

claim 21: line 1-2 "the wireless device"

The examiner needs clarification on whether "device" and "wireless device" are the same entity as claim 17 lacks a reasonable degree of particularity and distinctness.

Claim Rejections - 35 USC § 101

9. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

10. Claims 29 - 32 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. In view of Applicant's disclosure, specification page 17 paragraph [0050], the medium is not limited to tangible embodiments, instead being defined as including both tangible embodiments (e.g., magnetic tape, optical storage) and intangible embodiments (e.g., paper "punch cards, or other suitable data storage media including digital and analog transmission media). As such, the claim is not limited to statutory subject matter and is therefore non-statutory. Proper correction would include only tangible embodiments of computer readable medium.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. Claims 1 – 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Hubbard (US 2004/0190238 hereinafter "Hubbard").

13. Referring to a system claim 1, a system claim 9, a method claim 10, a method claim 16, a device claim 17, a method claim 23, a computer readable medium claim 29, Hubbard teaches a system, a method and a device comprising:

a wireless device having a computer platform, and at least a communication portal, the computer platform including an operating system that manages wireless device resources and the interaction of the wireless device with other computer devices, the computer platform including one or more resident programs', and at least one peripheral device that selectively communicates with the computer platform of the wireless device; wherein upon the peripheral device communicating with the computer platform of the wireless device, the operating system of the wireless device at least linking one or more resident programs with the peripheral device (paragraph 49 of page 3, paragraph 50 of page 4).

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14. Upon the broadest reasonable interpretation of a wireless device having a computer platform with such properties claimed by the applicant, the examiner interprets a notebook or laptop computer to represent such a device.

15. Referring to a system claim 2, method claim 11, device claim 18, method claim 24, Hubbard describes a system, a method, and a device wherein:

the peripheral device communicates through a wired connection to the computer platform of the wireless device (paragraph 10 of page 1).

16. Referring to a system claim 3, method claim 12, device claim 19, method claim 25, and computer readable medium 30, Hubbard describes a system, method, device and computer readable medium wherein:

the peripheral device communicates through a wireless connection to the computer platform of the wireless device (paragraph 12 of page 1).

17. Referring to a system claim 4, method claim 13, device claim 20, method 26, and computer readable medium 31, Hubbard describes a system, method, device and computer readable medium wherein:

the peripheral device sends a class identifier to the operating system of the wireless device and the operating system determines the type of peripheral device communicating with the wireless device, and selects the appropriate handler for that

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peripheral device based upon the class identifier (paragraph 82 thru paragraph 89, pages 7 – 8).

18. Hubbard teaches a wireless communicator which may house circuitry adapted to provide a wireless communication path between at least one wireless peripheral device and a portable device recessed in the portable computer stand. It further teaches of variation of devices is controlled by an electrical connector and converter therefore identifying the peripheral device communicating. According to the Merriam-Webster dictionary “identifier” is defined as “one that identifies” which in turn is defined as “to establish identity.”

19. Referring to a system claim 5, method claim 14, device claim 21, method 27, and computer readable medium 32, Hubbard describes a system, method, device and computer readable medium wherein:

the operating system of the wireless device identifies the specific peripheral device in communication based upon a specific identifier of the peripheral device given at the beginning of communication (paragraph 82 thru paragraph 89, pages 7 – 8).

20. Hubbard teaches a wireless communicator which may house circuitry adapted to provide a wireless communication path between at least one wireless peripheral device and a portable device recessed in the portable computer stand. It further teaches of variation of devices is controlled by an electrical connector and converter therefore

identifying the peripheral device communicating. According to the Merriam-Webster dictionary "identifier" is defined as "one that identifies" which in turn is defined as "to establish identity."

21. Referring to a system of claim 6, Hubbard describes a system wherein the peripheral uses the wireless device as a communication portal to the Internet (paragraph 91 of page 9).

22. The wireless device, laptop computer, has the capability for communication and connectivity to the Internet.

23. Referring to a system of claim 7, Hubbard describes a system wherein the peripheral device uses the wireless device as a communication portal over a telephone network (paragraph 91 of page 9).

24. The wireless device, laptop computer, has the capability to communicate over a telephone network.

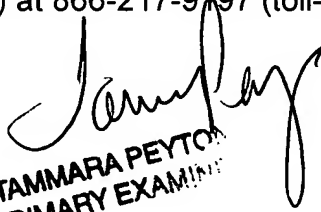
25. Referring to a system of claim 8, method claim 15, device claim 22, method claim 28, Hubbard describes a system, method, and device wherein the peripheral device communicates with the computer platform of the wireless device through the communication portal of the computer platform (paragraph 91 of page 9).

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aurangzeb Hassan whose telephone number is (571) 272-8625. The examiner can normally be reached on Monday - Friday 9 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on (571) 272-4083. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

8/31/05
A.H.


TAMMARA PEYTON
PRIMARY EXAMINER